

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

AMERICANS FOR BENEFICIARY CHOICE,
et al.

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, et al.,

Defendants.

Civil Action No. 4:24-CV-439-O

COUNCIL FOR MEDICARE CHOICE, et al.

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, et al.,

Defendants.

Civil Action No. 4:24-CV-446-O

UNOPPOSED MOTION TO STAY ANSWER DEADLINE

Defendants, in each of the above cases, move to stay their deadline to answer or otherwise respond to the complaint in each action. The U.S. Attorney's Office was served with the complaints in these two cases in mid-May such that answer deadlines in each case are approaching. *See* Fed. R. Civ. P. 12(a)(2) (60-day deadline after service on U.S. Attorney). Meanwhile, the parties also briefed motions to stay and/or preliminarily enjoin the Final Rule at issue earlier this summer, and the Court issued its ruling on those motions on July 3, 2024 and at that time directed the parties to file a joint scheduling proposal for summary judgment briefing by July 17, 2024. The parties are in the process of conferring about that scheduling proposal and

will file it by July 17, 2024, and the scheduling proposal will include the parties' position on whether answers are necessary in these cases and, if so, when they should be filed. Defendants therefore ask that, pending the submission of the parties' scheduling proposal and further order of the Court regarding that schedule, Defendants' deadline to answer or otherwise respond to the complaints in these cases be stayed.

Respectfully submitted,

LEIGHA SIMONTON
UNITED STATES ATTORNEY

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Attorneys for Defendants

Certificate of Conference

This is to certify that I have conferred with plaintiffs' counsel about the relief requested herein and it is unopposed.

/s/ Brian W. Stoltz
Brian W. Stoltz
Assistant United States Attorney

Certificate of Service

On July 15, 2024, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Brian W. Stoltz
Brian W. Stoltz
Assistant United States Attorney